

Docket No.: JCLA16962

Application No.: 10/541,960

**REMARKS****Present Status of the Application**

The Office action rejected claims 1, 5, and 7~9 under 35 U.S.C. 102(e) as being anticipated by Hishikawa (US 6808161 B1; hereinafter "Hishikawa").

The Office action rejected claims 4 and 6 under 35 U.S.C. 103(a) as being unpatentable over Hishikawa.

The Office action rejected claims 11~15 under 35 U.S.C. 103(a) as being unpatentable over Hishikawa in view of Schneider (US 5836967; hereinafter "Schneider").

In response thereto, Applicants have amended claims 1, 7, 11, 13 and 15 to more clearly define the claimed invention, have canceled claims 4 and respectfully traverse all the rejections on the ground set forth in detail below. Applicants respectfully submit that all the pending claims 1, 5~9, 11~15 are placed in proper condition for allowance, and reconsideration of all the pending claims is respectfully requested.

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**Response to Claim Rejections under 35 U.S.C. 102(e)***Claims 1, 5, and 7~9 under 35 U.S.C. 102(e) as being anticipated by Hishikawa.*

In response thereto, Applicants have amended claims 1 and 7 to more clearly define the claimed invention and respectfully traverse all said rejections on the grounds set forth in detail below.

Claims 1, 7, 11, 13 and 15, as amended according to FIGs. 1a and 1b and paragraph [0041]~[0050] of the specification, contain the technical features reciting: “the sealing valve is made of an elastic material and is provided with an approximately semispherical portion having a valve hole at a center thereof, , characterized in that the valve hole of the sealing valve is opened by pressing and deforming the semispherical portion of the sealing valve by means of a tip end.....(Emphasis Added)”.

In contrast, referring to FIGs. 1~19 and related contents of Hishikawa, the valve portion 30 is substantially in “cylinder shape”. In other word, “semispherical portion of the sealing valve” as claimed in Claims 1, 7, 11, 13 and 15 is not disclosed or taught by Hishikawa. Also, Schneider doesn’t disclose “semispherical portion of the sealing valve” as claimed in Claims 1, 7, 11, 13 and 15 of this present application.

Therefore, Applicants respectfully submit that Hishikawa and Schneider both fail to disclose or teach all the technical features of currently amended Independent claims 1, 7, 11, 13 and 15 and accordingly traverse the rejections of claims 1, 5 and 7~9 under 35 U.S.C. 102(e).

Since independent claims 1, 7, 11, 13 and 15 are allowable, claims dependent thereon should also be allowed as a matter of law for they contain all of the limitations of their respective

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independent claim. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

**Response to Claim Rejections under 35 U.S.C. 103(a)**

*Claims 4 and 6 under 35 U.S.C. 103(a) as being unpatentable over Hishikawa.*

*Claims 11~15 under 35 U.S.C. 103(a) as being unpatentable over Hishikawa in view of Schneider (US 5836967; hereinafter "Schneider").*

In response thereto, Applicants have amended claims 1, 7, 11, 13 and 15 to more clearly define the claimed invention and respectfully traverse all said rejections on the grounds set forth in detail below.

As mentioned above, Hishikawa and Schneider both fail to disclose or teach the technical feature of claims 1, 7, 11, 13 and 15 reciting: "the sealing valve is made of an elastic material and is provided with an approximately semispherical portion having a valve hole at a center thereof, , characterized in that the valve hole of the sealing valve is opened by pressing and deforming the semispherical portion of the sealing valve by means of a tip end.....(Emphasis Added)".

Hence, the combination of Hishikawa and Schneider still fails to disclose or teach said technical feature. Applicants thereby respectfully assert that claims 1, 7, 11, 13 and 15 are patentable over Hishikawa and Schneider, taken alone or in combination.

Moreover, the "semispherical portion of the sealing valve" of the present application has the following unexpected technical effects, such as,

(a) Referring Figs. 1a and 1b of the present application, the leading end of the orifice portion 401 of the syringe 400 directly presses the peripheral portion of the valve hole 20b so as to deform

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the semispherical portion of the sealing valve 20 toward the opposite direction (as shown in Fig.

1b). Although the extremely short pressing stroke of the syringe 400 is used, the valve hole 20b still can be opened easily and certainly.

(b) The semispherical portion of the sealing valve 20 is deformed to expand outward when receiving an internal pressure of blood or drug solution. In other words, the semispherical portion of the sealing valve 20 has excellent elastic restoring characteristic, and the valve hole 20b of the sealing valve 20 is pressed to be closed certainly. Therefore, the leak of blood or drug solution can be avoided.

The above technical function and effect of the present application can't be expected on the basis of Hishikawa and Schneider. Therefore, independent Claims 1, 7, 11, 13 and 15 indeed meet the need of inventive step.

Applicants respectfully submit that the grounds on which the Office action rejected claims 4, 6 and 11~15 under 35 U.S.C. 103(a) are no longer valid, and accordingly traverse the rejection of claims 4, 6 and 11~15 under 35 U.S.C. 103(a).

Since independent claims 1, 7, 11, 13 and 15 are allowable, claims dependent thereon should also be allowed as a matter of law for they contain all of the limitations of their respective independent claim. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

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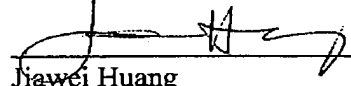
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1, 5~9, 11~15 of the present application patentably define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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4 Venture, Suite 250  
Irvine, CA 92618  
Tel.: (949) 660-0761  
Fax: (949)-660-0809

Respectfully submitted,  
J.C. PATENTS

  
Jiawei Huang  
Registration No. 43,330